



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

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| <ul style="list-style-type: none"> Invocation and Pledge of Allegiance Presentations Summary of Current Events Liquor license applications Consent Agenda | <ul style="list-style-type: none"> Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing. Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour. Other Mayor and Council business as listed on the agenda for the meeting. |
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Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site : www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Kathleen Dunbar – Vice Mayor

Council Members

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|------------------------|---------------|-------------------------|---------------|
| José J. Ibarra | Ward 1 | Shirley C. Scott | Ward 4 |
| Carol W. West | Ward 2 | Steve Leal | Ward 5 |
| Kathleen Dunbar | Ward 3 | Fred Ronstadt | Ward 6 |

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639), FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12. In addition, replays of the meetings are cablecast on Tucson 12 as follows:
 Wednesdays – 9:00 p.m. Thursdays – 9:00 a.m. Sundays – 9:00 a.m.
 VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting which will be open to the public:

REGULAR MEETING

**TUESDAY, JANUARY 4, 2005 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Gale Rawson, Water of Life Metropolitan Community Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Proclamation – Proclaiming January 4, 2005 to be CyraCom International Day

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager JAN4-05-5 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager JAN4-05-6 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager JAN4-05-2 City-Wide

b. Liquor License Applications

New License

1. Sonora Quik-Stop Market, Ward 3
2756 N. Stone Avenue
Applicant: Muhammad Duqmaq
Series 10, City 095-04
Action must be taken by: January 13, 2005

Staff Recommendation: Police, Development Services, and Revenue In compliance.

PUBLIC OPINION: PROTESTS FILED

2. Eclectic Pizza, Ward 2
7065 E. Tanque Verde Road
Applicant: Mark H. Smith
Series 12, City 096-04
Action must be taken by: January 15, 2005

Staff Recommendation: Police, Development Services, and Revenue In compliance.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer

3. Fiesta Lanes, Ward 3
501 W. River Road
Applicant: Wesley R. Becker
Series 6, City 098-04
Action must be taken by: January 22, 2005

Staff Recommendation: Police, Development Services, and Revenue In compliance.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

Person/Location Transfer

4. Fox Theater, Ward 1
27 W. Congress Street
Applicant: Herbert R. Stratford IV
Series 7, City 097-04
Action must be taken by: January 20, 2005

Staff Recommendation: Police, Development Services, and Revenue In compliance.

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

6. CONSENT AGENDA – ITEMS A THROUGH I

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker". Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

8. PUBLIC HEARING: RINCON HEIGHTS ESTATES ANNEXATION DISTRICT

- a. Report from City Manager JAN4-05-12 WARD 4
- b. Hearing: on annexation of property owned by AmericaBuilt. The proposed annexation district is 168 acres or 0.262 square miles.

The City Manager recommends that the Mayor and Council direct staff to proceed with the Rincon Heights Estates Annexation District.

9. ZONING: (C9-04-18) CUSHMAN – ANKLAM ROAD, R-2 TO O-1, CITY MANAGER’S REPORT

- a. Report from City Manager JAN4-05-1 WARD 1
- b. Report from Zoning Examiner dated November 19, 2004
- c. Request to rezone approximately 2.28 acres from R-2 (Medium Density Residential) to O-1 (Residentially Scaled Office) zoning. Applicant: Carl Winters of Planning Resources, on behalf of the property owner, Jocelyn Cushman.

The rezoning site is located on the south side of Anklam Road west of Silverbell Road. The preliminary development plan proposes to convert an existing 3,000 square foot single family residence to an office use and construct an additional 6,100 square feet of office space in two new one story buildings.

Planning Considerations: The *Tumamoc Area Plan* and the *General Plan* support residentially scaled office uses and the conversion of residential structures to non residential uses in this location. Authorization of the requested O-1 zoning is appropriate, subject to compliance with the recommended conditions.

The Zoning Examiner recommends approval of the O-1 zoning. The City Manager recommends approval of the O-1 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated August 20, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The owner/developer shall install 18' radius returns at the access point to the property vice a standard driveway apron.

3. The owner/developer shall construct a four-foot wide sidewalk along the entire site frontage with a handrail installed at the back of the sidewalk where appropriate across Powderhorn drainage crossing area.
4. All areas identified as natural undisturbed open space (NUOS) or other designated open space shall be fenced off and protected prior to any on-site development activity.
5. The owner/applicant shall prepare a complete drainage report, including details of detention/retention.
6. Each detention/retention basin shall include a sediment trap, or other sediment control measure and shall provide for total drainage as approved by Development Services Department Engineering.
7. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
8. Basins shall not be rectangular in shape.
9. Vegetation shall be used as screening and/or a security barrier for a minimum of ten percent of the basin perimeter.
10. All basins shall have maintenance access ramps in accordance with the current City of Tucson drainage standards manual.
11. The detention/retention basin shall not be used as a sediment or pollution control measure during construction unless all sediments and pollutants are completely removed prior to use as a detention/retention basin.
12. New development shall complement the surrounding residential developments. The owner/applicant shall demonstrate compatibility for design elements such as screen walls, landscaping, rooflines, colors, materials, and architectural design. All exposed exterior walls and roofs of structures, retaining walls, and accessory structures, except satellite dishes shall be earth tone in color and will blend with the predominant colors found in the area.
13. Dimensioned elevation drawings with proposed colors and materials shall be included with the development plan at the time of review and approval by the Community Design Review Committee (CDRC). Color photographs of surrounding properties shall be included with the above information.

14. All exterior mechanical equipment on new buildings shall be screened from view of adjacent development and street frontages, and shall be architecturally integrated into the overall design of buildings and development.
15. Prior to approval of the development plan, a native plant salvage plan shall be approved by the Development Services Department - Landscape section, which identifies trees and cacti to be salvaged. An on-site temporary nursery shall be identified on the plan with a temporary irrigation system for the duration of the nursery. The landscape plan shall identify the location of transplanted and/or salvaged trees and cacti. Transplanted salvaged trees shall be on a permanent irrigation system for a minimum of two (2) years.
16. The owner/developer shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity for the proposed development is available, no more than 90 days prior to submittal of the development plan. All development within the rezoning area shall coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
17. Should treatment and/or conveyance capacity not be available at the proposed time of development the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system cooperatively with others and the Pima County Wastewater Management Department.
18. The owner/developer shall complete the construction of all public and/or private sewerage facilities necessary to serve the rezoning area, obtain all necessary discharge authorizations from the Arizona or Pima County Department of Environmental Quality, and convey those sewerage facilities that will be publicly maintained to Pima County, before treatment and conveyance capacity will be permanently committed for new development within the rezoning area.
19. The owner/developer shall fund, design and construct an off-site extension of public sewer line G-136 in the Anklam Road right-of-way to the western edge of the rezoning area to accommodate future flow-through from the west.
20. The owner/developer shall fund, design, construct and maintain all necessary on-site sewers on a private basis, unless otherwise directed at the time of review of the development plan.

21. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in the required capacity response letter and as specified by the Development Services Department at the time of review of the development plan.
22. All new walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments. These treatments shall include the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
23. Four (4) inch fence block shall not be used for perimeter walls.
24. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
25. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
26. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
27. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
28. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

One (1) written approval and eight (8) written protests were received prior to the Zoning Examiner's public hearing on November 4, 2004. None of the protests are within the 150 foot area, resulting in a zero percent protest. The protests generally allude to traffic congestion, and concern for the protection of research taking place on Tumamoc Hill.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

10. ZONING: (C9-02-05) SARNOFF AUTOMOTIVE – BOWLINE ROAD, C-1 TO C-2, ORDINANCE ADOPTION

- a. Report from City Manager JAN4-05-13 W2
- b. Ordinance No. 10103 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Bowline Road and Sarnoff Drive in case C9-02-05, Sarnoff Automotive – Bowline Road, C-1 to C-2; and setting an effective date.

11. ZONING: (C9-89-39) PERILLO – GOLF LINKS ROAD, C-2 ZONING, CHANGE OF PRELIMINARY DEVELOPMENT PLAN - ORDINANCE ADOPTION

- a. Report from City Manager JAN4-05-16 WARD 4
- b. This is a request to allow a change to the preliminary development plan to remove the existing 100 foot setback with the height restriction of one-story that applies to a portion of the subject rezoning site. The rezoning site is located at the northwest corner of Golf Links Road and the Pantano Wash. Applicant: Carl Winters of Planning Resources.

The revised preliminary development plan is for 45 one and two story homes on 8.7 acres and a 100,000 square foot self-storage facility and related commercial uses on 5.5 acres.

The City Manager recommends approval of the requested change of conditions and development plan and adoption of the ordinance as presented.

- c. Ordinance No. 10104 relating to zoning: amending certain conditions and the approved preliminary development plan as established by Ordinance No. 9676 for the property located at the northwest corner of Golf Links Road and the Pantano Wash in case C9-89-39, Perillo – Golf Links Road, C-2 zoning; and setting an effective date.

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- a. Report from City Manager JAN04-05-7 CITY-WIDE

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, January 11, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.